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| APPLICATION NO.                       | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.   | CONFIRMATION NO. |
|---------------------------------------|-------------|----------------------|-----------------------|------------------|
| 10/511,676                            | 08/10/2005  | Miko Mihelic         | 30238-420             | 6346             |
| 45263                                 | 7590        | 05/26/2009           | EXAMINER              |                  |
| MITCHELL P. BROOK                     |             |                      | BOEHLER, ANNE MARIE M |                  |
| LUCE, FORWARD, HAMILTON & SCRIPPS LLP |             |                      |                       |                  |
| 11988 EL CAMINO REAL, SUITE 200       |             |                      | ART UNIT              | PAPER NUMBER     |
| SAN DIEGO, CA 92130                   |             |                      | 3611                  |                  |
|                                       |             |                      |                       |                  |
|                                       |             |                      | MAIL DATE             | DELIVERY MODE    |
|                                       |             |                      | 05/26/2009            | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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| APPLICATION NO./<br>CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR /<br>PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 1. 10511676                     | 10/15/2004  | MIHELIC, MIKO                                     | 30238-420           |

EXAMINER

Anne Marie M . Boehler

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| ART UNIT | PAPER |
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3611 20090522

DATE MAILED:

Commissioner for Patents

Applicant's reply, filed on 2/17/09, is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicant has amended the application well beyond the informalities noted in the previous Office Action. Applicant is reminded that prosecution was closed in that Office Action in accordance practice under Ex Parte Quayle, 25 USPQ 74, 453 O.G. 213, (Comm'r Pat. 1935). Therefore, applicant's extensive revision of claim 1, including the removal of critical elements in the claim, and the addition of claims 20-22, is an impermissible attempt to reopen prosecution. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

The information disclosure statement filed 5/6/2009 fails to comply with 37 CFR 1.97(d) because it lacks the fee set forth in 37 CFR 1.17(p). It has been placed in the application file, but the information referred to therein has not been considered. As noted above, the previous Office Action closed prosecution, in accordance with practice under Ex Parte Quayle, therefore, the certification and fee were required.

/Anne Marie M Boehler/  
Primary Examiner, Art Unit 3611